

Remote Notary

Recorder Virtual Conference
July 2020

Remote Notary

- Effective date per IC 33-42-17 is July 1, 2020
- Due to the pandemic, implementation date was moved up to March 31, 2020
- IC 33-42-17-2(a): A notary public may perform a remote notarial act only after registering as a remote notary public with the secretary of state.



Memo from Secretary of State

Remote Notary Authorization

If you are an active Indiana notary, you may immediately apply to become a remote notary:

- A remote notary authorization allows Indiana Notaries Public to perform notarial functions via two-way audio visual communication on an approved vendor platform while signatures are captured on an electronic record.
- You must contract with an approved remote technology vendor in order to perform remote notarizations. We are currently working to approve remote technology vendors as soon as possible. Once vendors are approved, we will post the information on Secretary of State's Business Services Homepage (<http://www.in.gov/sos/business/>).



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Remote Notary

- 75 IAC 7-3-2(c): Once an applicant successfully complies with all the requirements of subsection (b), the secretary of state shall issue a remote notary public authorization to the applicant.
- 75 IAC 7-3-3(a): A remote notary public authorization is valid from the time the notary public is authorized until the expiration of the notary public commission.



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IC 33-42-17-2 Registration, fee, term

- (b) A notary public is eligible to register under subsection (a) if the notary public:
- (1) holds a current commission as a notary public in Indiana;
 - (2) complies with the continuing education requirements described in [IC 33-42-12-2](#), and prescribed under [IC 33-42-16-2](#);
 - (3) is able to competently:
 - (A) operate audiovisual communication technology; and
 - (B) use identity proofing and credential analysis technology;
 - (4) pays a registration fee in the amount of five dollars (\$5); and
 - (5) passes a remote notarial act examination administered by the secretary of state.



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IC 33-42-17-2(g)

- A remote notary public may perform a remote notarial act only if the remote notary public is physically present in Indiana at the time the remote notarial act is performed.



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IC 33-42-17-3(b)

- A remote notary public who is physically present in Indiana may perform the following notarial acts as remote notarial acts:
 - (1) Taking an acknowledgment
 - (2) Administering an affirmation or oath
 - (3) Taking a verification on an oath or affirmation
 - (4) Attesting to or witnessing a signature
 - (5) Attesting to or certifying a copy of a document or record



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Remote Notarial Acts

- IC 33-42-17-6(a) Technology used by a remote notary public for use in performing remote notarial acts must first be approved by the secretary of state.
- IC 33-42-17-7 (a) An electronic notarial certificate of a remote notarial act must: (1) specify that the notarial act is a remote notarial act; (2) include a space in which a remote notary public may indicate whether the principal is the remote notarial act appeared before the remote notary public...(3) specify the: (A) city and county in Indiana in which the remote notary public is physically located...(B) city, county, state or province and county in which the principal is physically located.



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